

From: T Paluchniak
To: Microsoft ATR
Date: 1/17/02 2:20am
Subject: Microsoft settlement

Hello:

I am writing to express my opinion regarding the proposed Microsoft settlement.

For what it is worth I think it stinks. It seems to do little to keep Microsoft from using the same tactics to crush its competition. Look at Java for example.

Java is everywhere, and developers like it because it works in a variety of different computing environments. Microsoft is fueding with Sun Microsystems and as a result its recent version of Windows does not support Java. This clearly hurts competition. It also hurts software developers because eventually they are forced to use whatever Microsoft wants them to use instead of Java.

Another problem I have with the settlement is that companies that have traditionally been hurt by Microsoft's tactics such as Apple computer are not protected by the proposed settlement. For example, in the past Microsoft has forced Apple to do things it might not want to do in order to get Microsoft to produce a version of Microsoft Office (even though Office was making a profit), which Apple needs to stay in business. One such instance was that Microsoft forced Apple to start carrying Microsoft Internet Explorer as its default browser when in the past Apple had used Netscape Navigator. Microsoft also tried to get Apple to not produce a version of its QuickTime software for Windows because Microsoft did not want to compete with Apple. Many years ago Microsoft forced Apple to give up some of the rights to its own operating system. This behavior is anticompetitive, and hurts everybody whether they know it or not, especially people such as myself, who like alternatives to Windows.

As I pointed out earlier the new settlement does little to protect Apple. In August I believe Microsoft's agreement with Apple expires, and Microsoft is free to extract more blood from Apple in order for Apple to keep Microsoft producing Microsoft Office. This should not be the case. In the very least,

Microsoft should be required to make versions of its flag ship products that are compatible with Window's versions of the products. This is necessary because then Apple could be free to compete with Microsoft in other areas without fear of retribution. Why is Office so important to Apple? Simple: most people use Office at work which is largely Windows based. At home if they have a Mac, or if they are starting a business using a Mac, people want to be able to communicate with their Window using peers. Office started on the Mac, keep it that way. If Apple goes out of business, about 25 million unhappy people will be forced to use Windows, a product most would probably prefer to do without. Also it might be fair to consider forcing Microsoft to produce a version of Office for Linux.

I also would like to see Microsoft stop being able to bundle features into Windows that other companies made popular and were charging for previously.

If it is allowed to do so at least make it easy to remove these features

from Windows so that competitors products can be used instead. Recently when I was installing Apple's QuickTime software on a Windows machine, Windows asked me are you sure you want to install Quicktime, it is made by Apple Computer, do you trust Apple computer? Software that Microsoft has no problem with does not ask questions like that. In my view this type of message was designed to make you question software that Microsoft did not like. Microsoft should not be able to use such tactics. Windows should easily accept competing software, especially if other companies are already offering the same product. Microsoft should not be able to give something away for free if another company made something popular and was charging for it, like in the case of Netscape's Navigator.

I also would like to see a couple of other things done. First, I would like to see a person or a small group of people that have the direct power to enforce the settlement without having to go back to the court to do so. Doing so would keep Microsoft from resisting enforcing the settlement. Problems that the person or people find should be public. Second I would like to see Microsoft have to admit guilt, as it would allow for companies previously damaged by Microsoft's anticompetitive behavior to be able to more easily sue for damages if they so chose. If such companies were successful, this would allow the companies to use the money received to improve their own products, hopefully enhancing competition and further benefiting the consumer. Remember the original facts in this case were not under dispute. Microsoft is a monopoly and has abused its power to hurt competition. Letting it off the hook hurts does not remedy the wrongs done, and foster future competition. Thank you.

Sincerely,

Thomas Paluchniak

"In matters of style swim with the current. In matters of principle stand like a rock."

Thomas Jefferson